

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7359

BILL NUMBER: HB 1147

DATE PREPARED: Feb 1, 2001

BILL AMENDED: Jan 31, 2001

SUBJECT: Smoking at Schools and Child Care Centers.

FISCAL ANALYST: Sherry Fontaine

PHONE NUMBER: 232-9867

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill prohibits smoking at a child care center, on public school property, or certain day care facilities that accept federal child care vouchers. The bill allows smoking at a public school in a area that is separate from the building, is not accessible to students, and is screened from the view of students. The bill, except for field trips, prohibits a public school from entering into a contract or an agreement to hold an official school-sponsored activity unless the part of the facility that will be used prohibits smoking and use of tobacco products. The bill also provides penalties for smoking and using tobacco products in a facility that is used for an official school-sponsored activity when signs prohibiting smoking are conspicuously posted.

Effective Date: July 1, 2001.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) This bill makes it a Class B infraction for a person to smoke or use tobacco products on public school property or in part of a facility that is being used for an official school activity when signs are posted. The bill makes it a Class A infraction if a person has three prior unrelated judgements for the violations specified in the bill. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund. The maximum judgment for a Class A infraction is \$10,000, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: